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Paper No. 27

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In re Application of
John Stefanik, et al.
Application No. 09/751,468
Filed: December 29, 2000
For: REMOTE CONTROL DEVICE WITH
ILLUMINATION

MAY 10 2004

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

DECISION ON PETITION
TO WITHDRAW HOLDING OF
ABANDONMENT

This is in response to the petition filed March 16, 2004 to Withdraw Holding of Abandonment pursuant to 37 C.F.R. §1.181(a). No fee is required.

This application is in an abandoned status for failure to file corrected formal drawings as indicated by the Supplemental Notice of Allowability mailed October 20, 2003 which indicated that formal drawings are required including changes by the proposed drawing correction filed June 10, 2003. A Notice of Abandonment was mailed February 27, 2004.

Petitioner asserts that corrected formal drawings, complying with 37 CFR 1.84 were filed in response to an Office requirement. Petitioner further asserts that the corrected drawings were accepted by the Office as evidenced by the Notice of Allowability mailed August 25, 2003. Additionally it is urged that the requirement in the Supplemental Notice of Allowability for new formal drawing's is not supported by § 1.85(c) because the drawing filed June 30, 2003 was a "corrected drawing" complying with § 1.84 not merely a proposed drawing correction, and the Office accepted the corrected drawing at the time of allowance.

The Supplemental Notice of Allowability does comply with 37 CFR 1.85(c) in that applicant was given a three month period of time from the mailing of the supplemental notice to correct the drawings or take other action in response to the examiner's requirement to avoid abandonment. The file record is absent of any showing of response to the supplemental notice. Accordingly the Notice of Abandonment mailed February 27, 2004 is proper. The holding of abandonment has not been withdrawn.

The petition is **DENIED**.

Petitioner is given TWO MONTHS from the mailing date of the decision to request reconsideration. This time period is not extendable under 37 CFR 1.136(a). Petitioner may wish to consider filing a petition to revive an unintentionally abandoned application under 37 CFR 1.137(b).

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Special Program Examiner
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